

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTE DIVISION
Case No.: 3-10-cv-234**

MEINEKE CAR CARE)
CENTERS, INC.,)
)
Petitioner,)
)
v.)
)
DENNIS CATTON,)
)
Respondent.)
_____)

**ORDER TO OBEY THE
TERMS OF THE INJUNCTION**

THIS MATTER is before this Court on Meineke's motion for order to show cause and motion for contempt (Document #15) and the exhibits attached thereto, filed August 16, 2010. By order of this Court (Document #17) a show cause hearing was set for December 13, 2010. Service was effectuated upon Dennis Catton by United States mail. Defendant Dennis Catton did not respond to Meineke's motion for order to show cause and motion for contempt, nor did Dennis Catton attend the scheduled show cause hearing. Based on the documents submitted and representation made to this Court by Meineke, this Court makes the following findings and **HEREBY ORDERS** Defendant Dennis Catton to comply with the terms of the Order and Preliminary Injunction (Document #12) issued by this Court on June 24, 2010.

On June 24, 2010 this Court issued a preliminary injunction and order enjoining Dennis Catton's continued use of the Meineke trademark and enjoining Catton's continued breach of a covenant not to compete. (Document #12) Meineke now alleges that Catton is in violation of

this court's order. Based on the observations and declaration of Meineke Operations Manager Kevin Holliday, Meineke alleges that Catton is in violation of the injunction because: (1) the defendant is still working at the former Meineke location, (2) the Defendant is still advertising brake services, and (3) the Defendant still has or is operating a pipe bender machine, which is used for performing exhaust services. Holliday Decl. Ex. 2, at 1-2. Such activities violate this court's preliminary injunction and order prohibiting Catton from "managing, operating, or consulting with any business performing exhaust, brakes, or shocks and struts services at the premises of former Center No. 857 or within six (6) miles of former Center No. 857." (Order ¶ 1).

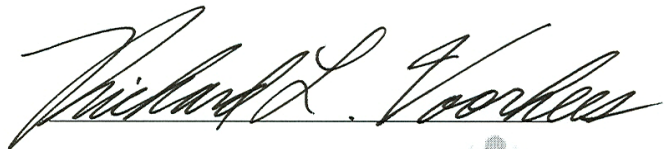
WHEREFORE, for the foregoing reasons, **IT IS HEREBY ORDERED** that Dennis Catton should **Obey the Order and Preliminary Injunction** issued by this court on June 24, 2010. Accordingly, Defendant must cease any and all work being performed at the former Meineke location that would violate the terms of the June 24, 2010 injunction.

DEFENDANT IS FURTHER WARNED THAT FAILURE TO OBEY THE TERMS OF THE JUNE 24, 2010 ORDER AND INJUNCTION WILL RESULT IN DEFENDANT BEING HELD IN CONTEMPT OF COURT.

IT IS FURTHER ORDERED that a copy of this Order, together with the June 24, 2010 Order and Injunction (Document #12), shall be personally served upon Dennis Catton.

SO ORDERED.

Signed: December 15, 2010



Richard L. Voorhees
United States District Judge

